

Members of the Maine Fire Protection Services Commission
(December 2002)

Senator Christine Savage- Maine Senate
Representative Robert Duplessie- Maine House of Representatives
Representative Thomas Bull- Maine House of Representatives
John C. Dean- State Fire Marshal's Office
Bill Williams- Maine Forest Service
David Wacker- Bureau of Labor Standards
Chief Jeffrey Cammack- Full time Fire Chief (Maine Fire Chiefs Association)
Chief Jethro Pease- Volunteer Fire Chief (Maine Fire Chiefs Association)
Chief Darrel Fournier- Fire Chief, Paid on Call (Maine Fire Chiefs Association)
Michael Albert-Career Firefighters (Professional Fire Fighters of Maine)
John A. Cannon- Career Firefighters (Professional Fire Fighters of Maine)
Albert L. Godfrey, Sr.- Call Firefighters (Maine State Federation of Fire Fighters)
Geoffrey Maker- Call Firefighters (Maine State Federation of Fire Fighters)
Jack Berry- Volunteer Firefighters (Maine State Federation of Fire Fighters)
Edward I. Johnston- Volunteer Firefighters (Maine State Federation of Fire Fighters)
Steve Willis- Maine Fire Training and Education
Jay Bradshaw- Governor's Office
Harty Norris- Public
Randy Keep- Insurance Industry

Vacancies:
Maine Senate (1)
Maine House of Representatives

MAINE FIRE PROTECTION SERVICES COMMISSION

ANNUAL REPORT-2002

The Maine Legislature established the Maine Fire Protection Services Commission (Fire Commission) in 2000 (*5 MRSA Chapter 319 §3371*) to monitor and evaluate the State's fire protection services system. The Legislature charged the Fire Commission with providing recommendations to the Governor and the Legislature regarding necessary changes in Maine's fire protection services system. The Fire Commission is required to regularly advise the Governor, the Legislature, municipal fire departments and other parties affected by its recommendations. The Fire Commission is also required to submit an annual report containing the results of any studies, findings and recommendations to the Governor and the Legislature's Joint Standing Committee on Criminal Justice.

The Fire Commission meets regularly at the Maine Emergency Medical Services offices, 16 Edison Drive, Augusta, Maine. In 2002, the Fire Commission held fourteen public meetings and the minutes are available on the Fire Commission's website (www.state.me.us/DPS/FMO/firecomm).

The Fire Commission welcomed three new members in 2002. Speaker Michael Saxl of the House of Representatives appointed Representative Robert Duplessie and Representative Thomas Bull to the Fire Commission. Bill Williams replaced Tom Parent of the Maine Forest Service. In April 2002, the Fire Commission reelected their officers for a second term:

Senator William O'Gara- Chair
Chief Darrel Fournier- Vice Chair
Albert Godfrey, Sr.- Secretary
John C. Dean-Treasurer

The Fire Commission's challenge in 2002 was to continue to fulfill the Legislature's objectives and build on the accomplishments and future goals of the Fire Commission despite reduced resources.

Health Care

Firefighting is a dangerous and stressful profession. As the demands of firefighting extend beyond fighting fires to include rescue and evacuation, hazardous materials and homeland security, it is crucial to maintain a healthy and vital fire service and provide health care to those who protect our communities. Firefighters are delaying retirement so they can continue to receive health benefits. These older firefighters are statistically more in danger of getting hurt on the job.

Initially, the Fire Commission was charged with the creation of a program of health care coverage for retired career firefighters from the day of retirement until eligibility for Medicare, known as the health care bridge. Fire Commission members quickly realized health care should be provided to all firefighters. The Fire Commission was unable to secure a cost study prior to losing appropriated funds in the summer of 2002. Although attempts were made to secure alternative funding, the Fire Commission was unsuccessful. However, the Fire Commission recognizes the critical importance of this issue and believes restoration of funding is essential to its mission. The Fire Commission intends to seek restoration of the funding from the Legislature so the study can be completed. Meanwhile, Fire Commission members recognize the importance of affordable health care for Maine's firefighters and are committed to providing solutions.

Volunteer Recruitment and Retention

Volunteer firefighters are crucial to maintain existing levels of fire protection in Maine and the Fire Commission is evaluating incentives that would help local fire departments and communities recruit and retain these valuable individuals. The Commission to Study the Enhancement of Fire Protection Services established by the 119th Maine Legislature found in its report that of the estimated 12,000 firefighters in Maine, the majority are volunteers or paid on call. Maine also has one of the highest percentages of volunteer firefighters in the country. In 2002, the Fire Commission estimated that the total number of volunteer and paid on call firefighters numbered less than 9000 (*see Appendix A*). Local Fire Chiefs and officials worry about providing adequate coverage to their communities as the numbers of volunteers decline.

The Fire Commission is required to make recommendations to the Legislature and the Governor for the recruitment and retention of volunteers "including a length-of-service incentive program for volunteer firefighters." (5MRSA, §3391) A number of states offer length-of-service award programs (LOSAPs) as incentives in recruiting citizens to serve as volunteer firefighters in their communities. In 2002, the Fire Commission contracted with Penflex, Inc., a New York actuarial firm specializing in LOSAPs, to determine the costs, feasibility and options of offering a LOSAP to volunteer firefighters in Maine. Penflex, Inc.'s initial presentation to the Fire Commission was on October 28, 2002. Penflex, Inc.'s final report is due in late spring or early summer 2003.

Following study and discussion of the final report, the Fire Commission anticipates making recommendations to the 121st Legislature.

Training Facilities

Responding to fire, medical, HAZMAT, rescue, terrorism and other emergencies is dangerous and demanding. Maine's firefighters and emergency medical services (EMS) personnel need highly technical and specialized training and education to meet the daily demands of their job. Continuous and up-to-date training at adequate facilities are crucial to maintain the necessary skills needed to protect our communities. The Fire Commission is analyzing training needs for firefighters and EMS, and also inventorying existing training and educational facilities in Maine and around the country.

The Training Facilities committee includes representatives from the Fire Commission, Legislature, Maine Criminal Justice Academy, Maine Technical College System, Maine Fire Chiefs Association, Maine State Federation of Fire Fighters, Maine Emergency Management Agency, Maine Emergency Medical Services, and the 11th Civil Support Team. The committee is assessing statewide firefighter/EMS needs, including evaluations of a central State Firefighter/EMS Academy, regional and local facilities. The Training Facilities committee developed and mailed a survey to fire departments and EMS providers in Maine. (*see Appendix B*) The results have been compiled into a database and with assistance from Vicki Schmidt (Bureau of Land and Water Quality-GIS Division), the committee plans to translate the data into visuals and incorporate the maps into its final report to the Fire Commission. The Fire Commission also intends to include some of these visuals at the Maine Fire Service Day at the Legislature (January 23, 2003).

Funding of State Fire Marshal's Office and Maine Fire Education and Training

The Fire Commission determined one of its primary goals for 2003 was the establishment of dependable, broad-based, on-going funding for the State Fire Marshal's Office and Maine Fire Training and Education. Both offices offer critically important services basic to the safety and well being of Maine citizens and emergency responders. Loss of current revenue threatens both programs' abilities to meet these basic needs.

State Fire Marshal's Office: In its 2001 report, the Fire Commission found that revenues dedicated to the State Fire Marshal's Office (SFMO) have not kept pace with the cost of operation. Criminal cases have increased as a percentage of all investigations and require tremendous time and resources. These cases lead to

additional overtime costs, all of which add to the funding challenge of this vital state office.

The nature of fire investigations is that fires do not follow a predictable schedule. Fires occur at all hours necessitating a response by the SFMO during nights, weekends and holidays. Local and other state agencies depend on the SFMO to investigate fires and to determine the origin and cause. A single investigator may handle some scenes while others require numerous investigators. In many cases an investigation leads to a criminal case. These cases demand large amounts of time to gather and process evidence, conduct interviews and surveillance, gather financial records, write reports, and prepare a case for prosecution. The SFMO has only eleven investigators and is not always fully staffed. The number of investigators in the Investigation Division has not increased since the mid-1980s. With an annual occurrence rate of about 500 incidents per year, each investigator carries an average of approximately 50 investigations per year.

The combination of unpredictable hours, complex cases and high caseloads results in large amounts of overtime. In Maine, with a large tourist industry, many fires have witnesses who must be interviewed immediately before they leave the state. Moreover, owners of businesses, campgrounds, motels and rental units all want an investigation completed quickly so the area can be cleaned and business restored as soon as possible. To complicate matters, while working on open cases, the investigator will be assigned to respond to new fire investigations.

Maine Fire Training and Education: Maine Fire Training and Education (MFT&E), a department of the Maine Technical College System, is the primary statewide firefighter training provider in Maine. MFT&E trains thousands of Maine fire department members each year and helps local departments develop on-going, up-to-date training programs. Last fiscal year, MFT&E trained over 6,000 Maine firefighters, most in free or low cost courses, and supported the training of several thousand more by local, regional and state training providers. MFT&E training and education courses are practical, hands-on and integrated from basic fire suppression training to the 2-year Fire Science Technology college degree.

Training and education is one of the critical keys to making Maine citizens and property safe from fire. Saving lives and property depends primarily on changing people's behaviors. The SFMO and local enforcement and engineering efforts rely on training and education to be effective.

Efforts to make Maine citizens and firefighters safe from fire and other community risks are built on a foundation of well-trained local responders. Without trained inspectors, public education officers, and local life safety code enforcement officers, state fire prevention programs would not be as effective. Arson prevention, investigation and prosecution success depends on effective local arson detection, cause and origin investigation, and prosecution assistance.

MFT&E trains and certifies hundreds of Maine firefighters each year in fire inspection practices, public education skills, arson detection awareness, basic fire cause determination, evidence preservation and courtroom testimony, as well as

numerous other fire prevention and life safety skills. MFT&E partners with the SFMO on many of these programs, ensuring consistency and cost-effectiveness.

Funding of the SFMO and MFT&E: The primary sources of funding for the SFMO are the Fire Investigation and Prevention Tax (FIPT) and fees collected for inspections and plan review. The FIPT was originally established to solely fund the SFMO but the revenue from the tax is now split between the SFMO (75.7%) and Maine Fire Training & Education (24.3%). The last time the FIPT was increased was in 1991, to 1.4%. The SFMO's funding shortfall for FY03 was projected at \$744,141 and this is to simply maintain existing level of services with no added programs or personnel.

MFT&E is funded from several sources, the largest portion (24.3%) from the FIPT. FIPT revenues fund nearly half (46%) of the MFT&E FY 03 budget. FIPT revenues fund the majority of MFT&E infrastructure (full time personnel, professional development, curriculum, etc.), allowing MFT&E to compete successfully for enterprise funding (grants, fees for services, etc.). Last year MFT&E augmented FIPT funding with over \$300,000 in enterprise funding, increasing the number of Maine firefighters trained by nearly 1,500.

The FIPT was established in 1938 by the Maine Legislature to fund SFMO operations. In 1981, the legislature directed the SFMO to help defray Maine Fire Service Training (MFST) expenses from the FIPT revenues on a year-to-year basis. In 1983 the FIPT assessment was increased and 10.5% of the revenue was dedicated to MFST. In 1985 the MFST reference was changed to MFT&E (Title 20-A, chapter 319). In 1992, the assessment was increased to 1.4%, and 24.3% of the revenues dedicated to MFT&E.

The Maine Legislature has studied the funding challenges of the SFMO and MFT&E since 1997. The 118th, 119th, and 120th Maine Legislatures have addressed this issue through studies and commissions. When the 119th Maine Legislature created the Maine Fire Protection Services Commission it charged the Fire Commission to study a more permanent solution to the funding problem. The Fire Commission looked at two studies of funding sources for other states' Fire Marshal offices. (*see Appendix C*) These studies were conducted by the Oregon State Fire Marshal's Office and the Alliance of American Insurers and illustrate that funding for states' Fire Marshal offices comes from three principal sources: a state's general fund, fees for services, and a tax on fire insurance premiums. Thirty states (60%) plus the District of Columbia fund their SFMO through their general funds. Approximately 16 states (31%) rely primarily on a tax on fire insurance premiums.

In 2002, an interim plan was put into effect to maintain funding for the SFMO and MFT&E while the Fire Commission studied funding options. The Maine Legislature established a one time .6% emergency assessment on fire insurance premiums. This temporary assessment, which will be repealed on June 30, 2003, is expected to generate \$744,141 in revenue for the SFMO and \$238,859 for MFT&E. The one-year temporary assessment supported by the Fire Commission and established by the Legislature restored funding to MFT&E, supporting the training of more than 1,000 firefighters lost due to increased

operating costs over the previous years. Additionally, with the “hardening” of the insurance market, insurance rates are expected to increase revenues.

The actual revenue from the temporary assessment and the revenues from the FIPT will not be known until the end of the fiscal year. Maine Revenue Service has been asked to track the revenue in a manner that allows a proper accounting of the emergency assessment separate from the Fire Investigation and Prevention Tax.

The Fire Commission believes that the funding shortfall is due, in part, to a number of large self-insured companies or companies with a high retention (deductible) within Maine who do not pay any fire tax or assessment, and would be potential revenue sources if taxed like all other insurers. The Fire Commission feels that since the services of the Fire Marshal’s Office are provided to all regardless of whether or not the services are needed by someone who pays into the FIPT, any shortfall should be made up from the General Fund. The Fire Commission intends to work with the administration and the Legislature and is committed to securing permanent funding sources for the State Fire Marshal’s Office and Maine Fire Training and Education.

Additional Duties of the Fire Commission

The Legislature recognized the valuable role of the Fire Commission in the legislative process by allowing the Fire Commission to “submit proposed legislation to the Legislature to implement any recommendations of the commission.” (5 MRSA Chapter 319 §3371) In the second session of the 120th Legislature, the Fire Commission endorsed and helped pass LD 1746 “An Act Regarding Worker’s Compensation Benefits for Firefighters, Rescue Workers and Safety Workers Who Contract Certain Communicable Diseases”, LD 1903 “Resolve, To Provide Computers to Rural Fire Departments”; and LD 2148 “Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare”. The Fire Commission strongly endorsed LD 2201 “An Act to Provide Funding for the Office of the State Fire Marshal and Maine Fire Training and Education and LD 2167 “An Act to Improve Public Safety By Regulating the Installation and Inspection of Fire Alarms”.

The Fire Commission intends to submit legislation to the 121st Maine Legislature regarding the Fire Commission’s membership. The Fire Commission strongly endorses the addition of two members –the director or designee of Maine Emergency Medical Services and the director or designee of Maine Emergency Management Agency. The Fire Commission believes that representatives from these two agencies will bring additional knowledge and expertise to the Fire Commission. The Fire Commission will also recommend to the Legislature that the language regarding the appointment of the Legislative members of the Fire Commission by the Speaker of the House of Representatives and the President of the Senate eliminate the reference to a specific committee.

Fire Commission members endorsed and actively worked on passage of the June 2002 referendum bond issue regarding the installation of sprinklers in dorm rooms. Members spoke before various organizations, appeared at press conferences and editorial boards, and wrote letters to the editor of their local paper.

The Fire Commission recognized the need to identify individuals, fire departments, agencies, organizations, communities and others within Maine's fire service system that display the best qualities, show initiative and creativity, and encourage and perform safe practices for themselves and others in Maine. In the summer of 2002, the Fire Commission established the "Best Practices Award" to be awarded periodically as "best practices" are demonstrated, with an annual best "Best Practice Award" to be presented at the "Maine Fire Service Day at the Legislature". The Fire Commission was proud to award the Portland Fire Department and IAFF Local 740 with the first "Best Practices Award" for their implementation of the CPAT (Candidate Physical Ability Test) training exercises during the summer of 2002.

The Fire Commission acknowledges its important role in informing the Legislature, the Governor, appropriate state agencies, fire service members and the public about the needs and solutions to problems concerning Maine's fire protection services system. The Fire Commission plans to sponsor the first annual "Maine Fire Service Day at the Legislature" in the Hall of Flags in the State House on Thursday, January 23, 2003. The Fire Commission seeks to educate the public about Maine's fire service and their valuable contribution to our society. The Fire Commission also plans a formal presentation before the Legislature's Criminal Justice and Public Safety Committee. The Fire Commission has begun working on sponsoring an annual conference at the Augusta Civic Center for fire and EMS service chiefs in late Spring 2004 or 2005. The Fire Commission's website continues to be updated and new features added. Plans for a quarterly newsletter have been discussed and funding options are being sought.

The Maine Fire Protection Services Commission will continue to monitor and evaluate Maine's fire protection services system in 2003. Short-term goals include securing permanent funding sources for the State Fire Marshal's Office and Maine Fire Training and Education, restoration of the funding for the health care study, finalization and evaluation of the Recruitment/Retention and Training Facilities committees' reports, completion of the maps from the survey data, Maine Fire Service Day at the Legislature, and submission of proposed legislation.

Long-term goals include offering affordable health care to Maine's firefighters, implementing the recommendations of the Recruitment/Retention and Training Facilities committees, securing additional funding sources for communication and educational needs, and continue working to improve Maine's fire service system.

